IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: **RUAT, ET AL.**	)	
Serial No. **10/824,938**	)	Examiner: **R. Kangarloo**
Confirmation No. **7278**	)	Art Unit: **2619**
Filing Date: **April 15, 2004**	)	Attorney Docket No. **01RO13054507**
For: **HOT SYNCHRONIZATION DEVICE OF AN ASYNCHRONOUS FRAME RECEIVER**	)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Advisory Action of August 20, 2008, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

REMARKS

Based upon the arguments presented below, Applicant respectfully requests the Pre-Appeal Conference Panel to reconsider and withdraw the Examiner's rejections of the claims.

I. The Claimed Invention

Independent Claim 1 is directed to an asynchronous frame receiver comprising an input for receiving an asynchronous frame comprising a break character. The break character comprises at least three bits, each and every bit of the break character having a same value. A hot-plugging circuit is for connecting to an asynchronous data bus that is operating, the hot-plugging circuit detecting the break character, and leaving an initial idle state and switching to at least one operating mode when the break character has been detected. Independent Claim 7 is directed to a related microcontroller device.

Independent Claim 13 is directed to a method for connecting an asynchronous frame receiver to an asynchronous data bus that is operating. The method comprises setting the asynchronous frame receiver to an initial idle state. The method further comprises receiving at an input of the asynchronous frame receiver an asynchronous frame comprising a break character. The break character comprises at least three bits, each and every bit of the break character having a same value. Moreover, the method includes detecting the break character and switching the

asynchronous frame receiver from the initial idle state to at least one operating mode.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 7, and 13 over the combination of Rakib et al. and Douceur. Rakib et al. discloses a system for bi-directional communication of digital data between a central unit and a remote unit wherein the need for tracking loops in the central unit has been eliminated. The central unit transmitter generates a master carrier and a master clock signal that are used to transmit downstream data to the remote units. The remote units recover the master carrier and master clock and synchronize local oscillators in each remote unit to these master carrier and master clock signals to generate reference carrier and clock signals for use by the remote unit receiver. A Barker code is used to synchronize the local oscillators.

The Examiner correctly recognized that Rakib et al. fails to disclose an input for receiving an asynchronous frame comprising a break character, the break character comprising at least three bits, each and every bit of the break character having a same value. In an attempt to supply this critical deficiency, the Examiner looked to Douceur.

Douceur discloses a method of dynamically expanding and contracting internal hash tables. The portion of Douceur cited by the Examiner as disclosing the above noted feature actually discloses an example of splitting a linked list containing hash

table segments (see col. 16, lines 18-25). In this particular example of Douceur, an entry of the linked list having an address of 00 has another bit added to its least significant bit, so that the entry now has an address of 000. This address of 000 is an address of an entry of the hash table. It is not a break character and cannot be correlated to a break character. In fact, Douceur makes no reference whatsoever to asynchronous frame receivers or break characters. Douceur, and therefore the combination of Rakib et al. and Douceur, fails to disclose an input for receiving an asynchronous frame comprising a break character, the break character comprising at least three bits, each and every bit of the break character having a same value.

In addition to failing to disclose all of the claimed features of independent Claims 1, 7, and 13, the Examiner's combination is improper. The Examiner has provided no teaching, suggestion, motivation, or reason whatsoever why one of skill in the art would combine Rakib et al. and Douceur, directed to completely divergent technical fields and subject matters. Rakib et al. is directed to bi-directional communication of digital data. Douceur is directed to methods of manipulating hash tables. These two references share nothing in common. One of skill in the art would simply not look to modify the break character Rakib et al. with the hash table addresses of Douceur. Indeed, it is submitted that the Examiner has exercised impermissible hindsight, selectively combining and mischaracterizing elements

of these disparate references in an attempt to reproduce applicant's claims.

For at least the above reasons, independent Claims 1, 7, and 13 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

Respectfully submitted,

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